

Assembly Bill No. 656

Passed the Assembly September 7, 2011

Chief Clerk of the Assembly

Passed the Senate August 30, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal Article 5 (commencing with Section 14380) of Chapter 3 of Division 5 of the Financial Code, to amend Section 4351 of the Food and Agricultural Code, to amend Sections 8164.1, 8164.2, 8164.3, and 11121.1 of the Government Code, to amend Sections 62.9, 63.6, 71.4, 71.7, 72.6, 76.5, and 76.6 of, to amend the heading of Division 1 (commencing with Section 30) of, to repeal Sections 31 and 704 of, and to repeal Chapter 3 (commencing with Section 80) of Division 1 of, the Harbors and Navigation Code, and to amend Sections 5073.5, 5073.7, and 5074 of the Public Resources Code, relating to committees and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 656, Huber. Committees and commissions: repeal.

(1) Existing law establishes the Credit Union Advisory Committee in the Department of Financial Institutions. The duties of this committee include advising the commissioner and the Deputy Commissioner of Financial Institutions for the Division of Credit Unions on matters relating to credit unions and the credit union business.

Existing law establishes the Boating and Waterways Commission in the Department of Boating and Waterways. The duties of this committee include advising the department, recommending proposed changes to regulations, and causing studies and surveys to be made of the need for small craft harbors and connecting waterways throughout the state.

Existing law establishes the Joint Sunset Review Committee, which consists of 5 members from each house of the Legislature, to identify and eliminate waste, duplication, and inefficiency in government agencies. Existing law requires each eligible agency, as defined, that is scheduled for repeal, to submit to the committee an agency report, as provided. Existing law requires the committee to evaluate the agency prior to the date the agency is scheduled to be repealed.

This bill would, as of January 1, 2014, abolish the Credit Union Advisory Committee and the Boating and Waterways Commission

and the duties and responsibilities carried out by each. The bill would make these changes operative with respect to each entity only if, prior to January 1, 2014, a review of that entity is conducted by the Joint Sunset Review Committee and the Joint Sunset Review Committee has notified the Secretary of State of this review.

(2) Existing law establishes the State Race Track Leasing Commission and repeals the commission on January 1, 2013.

This bill would delete the repeal date, thereby indefinitely extending the existence of the commission.

(3) Existing law establishes the Capitol Area Committee and the California Recreational Trails Committee. Existing law repeals these commissions and committees on January 1, 2013.

This bill would provide that the repeal date would not take effect unless, prior to January 1, 2013, the particular commission or committee has been reviewed by the Joint Sunset Review Committee and that committee has notified the Secretary of State of this review.

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 14380) of Chapter 3 of Division 5 of the Financial Code is repealed.

SEC. 2. Section 4351 of the Food and Agricultural Code is amended to read:

4351. There is hereby created the State Race Track Leasing Commission which shall be composed of the Director of Food and Agriculture, the Director of Finance, and the Director of General Services and three individuals, appointed by the Governor, who are members of the Board of Directors of the 22nd District Agricultural Association. The Director of Finance shall serve as chairperson of the commission. All meetings of the commission shall be open and public.

SEC. 3. Section 8164.1 of the Government Code is amended to read:

8164.1. There is in state government a Capitol Area Committee consisting of nine members who shall be appointed in the following manner:

(a) Four members of the committee shall be appointed by the Governor of which at least one member shall be appointed from a list of three candidates submitted by the City of Sacramento and

at least one member shall be appointed from a list of three candidates submitted by the County of Sacramento. Two members shall be appointed for a term expiring December 31, 1979, and two for a term expiring December 31, 1981.

(b) Two members shall be appointed by the Speaker of the Assembly, one of whom may be a Member of the Assembly, and two members shall be appointed by the Senate Rules Committee, one of whom may be a Member of the Senate. Legislative members of the committee shall meet and, except as otherwise provided by the Constitution, advise the department to the extent that the advisory participation is not incompatible with their respective positions as Members of the Legislature. Of the four appointments by the Legislature, two shall be appointed for a term expiring December 31, 1979, and two for a term expiring December 31, 1981.

(c) One shall be appointed by and serve at the pleasure of the director.

Subsequent appointments pursuant to subdivisions (a) and (b) shall be for terms of four years, ending on December 31 of the fourth year after the end of the prior term, except that appointments to fill vacancies occurring for any reason other than the expiration of the term shall be for the unexpired portion of the term in which they occur. The members of the board shall hold office until their successors are appointed and qualify.

The members of the committee shall not receive compensation from the state for their services under this article but, when called to attend a meeting of the committee, shall be reimbursed for their actual and necessary expenses incurred in connection with the meeting in accordance with the rules of the Department of Personnel Administration.

(d) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 4. Section 8164.2 of the Government Code is amended to read:

8164.2. (a) The committee shall elect a chairperson. The committee shall meet at least quarterly or upon the call of the chairperson or the written request of any three members.

(b) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 5. Section 8164.3 of the Government Code is amended to read:

8164.3. (a) It is the purpose of the committee to independently review the reports of the department to the Legislature and counsel and advise the department in the carrying out of its responsibilities related to the Capitol Area Plan. The committee may submit separate comments on the departmental reports on the Capitol Area Plan to the Legislature. The committee shall involve a broad cross section of interested citizens in the form of an advisory body. The advisory body shall serve without compensation.

(b) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 6. Section 11121.1 of the Government Code is amended to read:

11121.1. As used in this article, “state body” does not include any of the following:

(a) State agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

SEC. 7. The heading of Division 1 (commencing with Section 30) of the Harbors and Navigation Code is amended to read:

DIVISION 1. DEPARTMENT OF BOATING AND
WATERWAYS

SEC. 8. Section 31 of the Harbors and Navigation Code is repealed.

SEC. 9. Section 62.9 of the Harbors and Navigation Code is amended to read:

62.9. Upon request, the department shall make available to persons owning or operating small craft harbors, information concerning the following:

(a) The maintenance and improvement of existing small craft harbor facilities.

(b) The application of new technical materials and concepts.

(c) The preparation of feasibility reports, environmental impact reports, permits, and other steps required to develop new small craft harbor facilities.

SEC. 10. Section 63.6 of the Harbors and Navigation Code is amended to read:

63.6. (a) (1) On or before January 15 of each odd-numbered year, the director shall make a report to the Legislature and the Governor covering the operations of the department for the preceding biennium.

(2) With respect to Article 5 (commencing with Section 76), the report shall include all of the following:

(A) The total amount of loans made in each of the two fiscal years immediately preceding the preparation and submission of the report.

(B) For each recipient of a loan during each of the two fiscal years immediately preceding the preparation and submission of the report, the recipient's name, the location of the marina for which the loan was made, and the amount of the loan.

(C) The financial status of each loan.

(D) Any legislative recommendations.

(3) The report shall also include the status of the department's activities related to the monitoring of rates pursuant to Section 71.4 and subdivision (d) of Section 76.7.

(4) The report shall also include an evaluation of the public participation in the personal watercraft education course developed by the department pursuant to subdivision (b) of Section 668.3 and a determination of the effect of the course on personal watercraft safety in California.

(b) The department shall also make any special reports that are requested by the Secretary of Resources or the Governor.

SEC. 11. Section 71.4 of the Harbors and Navigation Code is amended to read:

71.4. (a) (1) The department, subject to the approval of the Legislature in accordance with Section 85.2, may make loans to qualified cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the design, planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection with the harbors, and connecting waterways, if the department finds that the project is feasible.

(2) The minimum annual rate of interest charged by the department for a loan shall be set annually based on the Pooled Money Investment Account interest rate.

(b) The department shall establish, by rules and regulations, policies and standards to be followed in making loans pursuant to this section so as to further the proper development and maintenance of a statewide system of small craft harbors and connecting waterways. To the greatest extent possible, the department shall adhere to customary commercial practices to ensure that loans made pursuant to this section are adequately secured and that the loans are repaid consistent with the terms of the loan agreement. Any rules and regulations shall include policies and standards for restrooms, vessel pumpout facilities, oil recycling

facilities, and receptacles for the purpose of separating, reusing, or recycling all solid waste materials.

(c) The department shall develop weighing and ranking criteria to qualify and prioritize the public loans.

(d) A loan under this section shall be repaid as provided in Section 70.

(e) Rates to be charged for the use of the boating facilities shall be established by the city, county, or district, subject to the approval of the department, in every loan contract. The department shall concern itself with the rates charged only as prescribed in Section 71.8. The rates set shall be based on a monthly berthing charge, and the department shall monitor these rates to ensure that the berthing charges are sufficient to ensure timely and complete repayment of the loan.

(f) The department shall submit any project for which it recommends any loan be made to the Governor for inclusion in the Budget Bill.

(g) The department may restate an existing loan under this article, upon written request by the borrower.

SEC. 12. Section 71.7 of the Harbors and Navigation Code is amended to read:

71.7. Notwithstanding any other provision of this chapter, or any contract or agreement to the contrary, loan payments on the loan on behalf of Spud Point Marina in the County of Sonoma, as authorized by Schedule (b)(8) of Item 3680-101-516 of Section 2.00 of the Budget Act of 1982, and administered by the department, may be renegotiated by the department and the County of Sonoma to solve the fiscal problems involving the marina existing on the effective date of this section as enacted during the 1994 portion of the 1993–94 Regular Session.

SEC. 13. Section 72.6 of the Harbors and Navigation Code is amended to read:

72.6. Transfers pursuant to Section 70, loans pursuant to Section 71.4, and grants pursuant to Section 72.5 shall be made by the department.

SEC. 14. Section 76.5 of the Harbors and Navigation Code is amended to read:

76.5. In processing applications under this article, the department shall give priority to applications from qualified private

marina owners who have not received previous loans from the department.

SEC. 15. Section 76.6 of the Harbors and Navigation Code is amended to read:

76.6. Loans made under this article shall include, but are not limited to, the following terms and conditions:

(a) The minimum annual rate of interest charged by the department for a loan shall be set annually at a rate equal to 1 percent per annum plus the prime or base rate of interest.

(b) The department shall require collateral in a minimum amount of 110 percent of the loan.

(c) The repayment period of a loan shall not exceed 20 years, or be longer than the length of the borrower's leasehold estate, including renewal options, if the loan is based upon a leasehold estate of the borrower.

(d) All loans shall amortize the principal over the term of the loan. However, a loan shall become due and payable in full if the borrower sells or otherwise transfers the recreational marina developed with departmental funds, unless the transfer is, by reason of the death of the borrower, to the borrower's heirs.

(e) The department's loans shall not be subordinated to any future loans obtained by a private marina owner, except in those cases involving loans acquired for refinancing previous senior loans.

(f) The department may allow assumption of loans from the original borrower by future parties, subject to completion of the application process and upon approval by the department.

(g) The department may, upon written request by the borrower, restate an existing loan.

SEC. 16. Chapter 3 (commencing with Section 80) of Division 1 of the Harbors and Navigation Code is repealed.

SEC. 17. Section 704 of the Harbors and Navigation Code is repealed.

SEC. 18. Section 5073.5 of the Public Resources Code is amended to read:

5073.5. (a) The Governor shall establish a California Recreational Trails Committee to advise the director in the development and coordination of the system. The committee shall consist of seven members appointed by the Governor. Two members shall be selected from the northern, two members from

the southern, and two members from the central portions of the state, and one member shall be selected at large. Members shall be selected from lists submitted by private organizations that have a demonstrated interest in the establishment of recreation trails. The chair of the committee shall be elected by the members from their membership.

(b) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 of the Government Code and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 19. Section 5073.7 of the Public Resources Code is amended to read:

5073.7. (a) The terms of the members of the committee shall be four years, except that such members first appointed to the committee shall classify themselves by lot so that the term of three members shall expire January 15, 1976, the term of two members shall expire January 15, 1977, and the term of two members shall expire January 15, 1978.

Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

(b) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 of the Government Code and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 20. Section 5074 of the Public Resources Code is amended to read:

5074. The committee shall have the following powers and duties:

(a) Coordinate trail planning and development among cities, counties, and districts. In carrying out this responsibility, the committee shall review records of easements and other interests in lands which are available for recreational trail usage, including public lands, utility easements, other rights-of-way, gifts, or surplus public lands which may be adaptable for such use, and shall advise the director in the development of standards for trail construction so that uniform construction standards may be available to cities, counties, and districts.

(b) Advise the director in the preparation and maintenance of the plan.

(c) Study the problems and opportunities presented by the use of private property for recreational trail use and advise the director on measures to mitigate undesirable aspects of such usage.

(d) (1) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(2) The repeal date in paragraph (1) shall not take effect unless, prior to January 1, 2013, the committee has been reviewed by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 of the Government Code and the Joint Sunset Review Committee has notified the Secretary of State of this review.

SEC. 21. (a) Sections 1, 3, 4, 5, and 6 of this act shall become operative on January 1, 2014, only if a review of the Credit Union Advisory Committee is conducted by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 of the Government Code prior to January 1, 2014, and the Joint Sunset Review Committee has notified the Secretary of State of this review.

(b) Sections 7 to 17, inclusive, of this act shall become operative on January 1, 2014, only if a review of the Boating and Waterways Commission is conducted by the Joint Sunset Review Committee pursuant to subdivisions (c) and (d) of Section 9147.7 of the Government Code prior to January 1, 2014, and the Joint Sunset Review Committee has notified the Secretary of State of this review.

Approved _____, 2011

Governor